



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for April 21, 2023

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COURT DECISIONS

NONPRECEDENTIAL:

McHugh v. Department of Veterans Affairs, No. [2022-2127](#) (Fed. Cir. April 17, 2023) (CH-1221-21-0212-W-2) The court affirmed the Board's conclusion that Mr. McHugh failed to establish a prima facie case of whistleblower retaliation. In so doing, the court found that substantial evidence supported the Board's conclusion that Mr. McHugh failed to show that his protected activity, i.e., filing a complaint with the Office of Special Counsel, had contributed to the personnel action at issue. The court found that Mr. McHugh's arguments regarding evidentiary determinations, discovery, and the Board's purported failure to consider a particular issue did not warrant a different outcome.

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